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SENATE BILL 533

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO RETIREMENT; PERMITTING RETIRED VOLUNTEER
FIREFIGHTERS RECEIVING BENEFITS PURSUANT TO THE VOLUNTEER
FIREFIGHTERS RETIREMENT ACT TO ALSO RECEIVE BENEFITS PURSUANT
TO RETIREMENT PLANS ESTABLISHED BY THE STATE OR ITS POLITICAL
SUBDIVISIONS; CHANGING RETIREMENT BENEFITS FOR VOLUNTEER
FIREFIGHTERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-11A-1 NMSA 1978 (being Laws 1983,
Chapter 263, Section 1) is amended to read:

"10-11A-1. SHORT TITLE. -- [~~This act~~] Chapter 10, Article
11A NMSA 1978 may be cited as the "Volunteer Firefighters
Retirement Act". "

Section 2. Section 10-11A-2 NMSA 1978 (being Laws 1983,
Chapter 263, Section 2) is amended to read:

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1 "10-11A-2. DEFINITIONS. -- As used in the Volunteer
2 Firefighters Retirement Act:

3 A. "association" means the public employees
4 retirement association;

5 B. "board" means the retirement board of the
6 [~~public employees retirement~~] association;

7 C. "fire department" means any volunteer fire
8 department certified by the [state] fire [~~marshal's office~~]
9 marshal bureau of the insurance division of the public
10 regulation commission;

11 D. "fund" means the volunteer firefighters
12 retirement fund; and

13 E. "member" means any volunteer nonsalaried
14 firefighter who is listed as an active member on the rolls of a
15 fire department and whose first year of service credit was
16 accumulated during or after the year he attained the age of
17 sixteen and no later than during the year in which he attained
18 the age of forty-five. [~~Excluded from membership is any~~
19 ~~volunteer nonsalaried firefighter who has been retired by or is~~
20 ~~receiving an annuity from any other retirement, pension or~~
21 ~~annuity plan created and established by the state or any of its~~
22 ~~political subdivisions, except the state police pension fund~~
23 ~~established under the provisions of Sections 29-4-1 through~~
24 ~~29-4-11 NMSA 1978.]"~~

25 Section 3. Section 10-11A-5 NMSA 1978 (being Laws 1983,

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1 Chapter 263, Section 5) is amended to read:

2 "10-11A-5. RETIREMENT BENEFITS--ELIGIBILITY.--

3 A. Any member who attains the age of fifty-five
4 years and has twenty-five years or more of service credit shall
5 be eligible to receive a retirement annuity of two hundred
6 dollars (\$200), payable monthly from the fund during the
7 remainder of his life.

8 B. Any member who attains the age of fifty-five
9 years and has at least fifteen but less than twenty years or
10 more of service credit shall be eligible to receive a
11 retirement annuity of one hundred twenty-five dollars (\$125),
12 payable monthly from the fund during the remainder of his life.

13 C. Any member who attains the age of fifty-five
14 years and has at least twenty but less than twenty-five years
15 or more of service credit shall be eligible to receive a
16 retirement annuity of one hundred sixty dollars (\$160), payable
17 monthly from the fund during the remainder of his life.

18 [~~B.~~] D. Any member who attains the age of fifty-
19 five years and has at least ten but less than twenty-five years
20 or more of service credit shall be eligible to receive a
21 retirement annuity of one hundred dollars (\$100), payable
22 monthly from the fund during the remainder of his life.

23 [~~C.~~] E. Any member who ceases to be a volunteer
24 nonsalaried firefighter after completing at least ten but less
25 than twenty-five years of service credit is eligible to receive

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1 upon attaining the age of fifty-five years a retirement annuity
2 of one hundred dollars (\$100), payable monthly from the fund
3 during the remainder of his life.

4 [D-] F. Any member who ceases to be a volunteer
5 nonsalaried firefighter after completing twenty-five years of
6 service credit is eligible to receive upon attaining the age of
7 fifty-five years a retirement annuity of two hundred dollars
8 (\$200), payable monthly from the fund during the remainder of
9 his life.

10 [E-] G. Any member who qualifies for and receives a
11 retirement annuity pursuant to this section may continue as an
12 active member on the rolls of a fire department. However, such
13 member shall not accrue additional service credit for the
14 purpose of increasing the amount of his retirement annuity."